

Mr. Nicely opened the February 9, 2015 meeting of the Botetourt County Planning Commission to order at 6:00 PM, in Meeting Room 102 of the Old District Courthouse in Fincastle, Virginia.

PRESENT: Mr. Hiawatha Nicely, Jr., Chairman
Mr. William Thurman, Vice-Chairman
Mr. Steven L. Kidd, Member
Mr. John Griffin, Member
Dr. Mac Scothorn, Ex-Officio Member
Mr. Jim H. Guynn, County Attorney
Mrs. Nicole Pendleton, Planning Manager/Zoning Administrator
Mr. Jeffrey Busby, Planner
Mrs. Laura Goad, Administrative Assistant

ABSENT: Mr. Sam Foster, Member

After Mr. Nicely opened the meeting and welcomed those in attendance, he introduced Staff and Planning Commission members, and then read the procedures for the public hearing. Mr. Nicely stated the Board of Supervisors would hear these requests on February 24, 2015 at 6:00 PM at the Greenfield Education Training Center.

Mr. Nicely asked if there were any discussions regarding the January 12, 2015 minutes and requested a motion.

Mr. Kidd motioned to approve the January 12, 2014 Planning Commission minutes as written.

Mr. Griffin seconded the motion, which was approved 4:0:0:1 with the following recorded vote:

YES: Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Kidd
NO: None
ABSTAIN: None
ABSENT: Mr. Foster

Mr. Nicely stated the Planning Commission would meet in the Kroger parking lot for the field review on Thursday, March 5, 2015 at 3:15 PM.

Mr. Nicely stated that tonight's work session would not be held due to the joint work session with Board of Supervisors the following evening, and thanked citizens for their continued interest.

Public hearings

Amsterdam Magisterial District: Botetourt HCP LLC requests a Text Amendment to add "Assisted Living Facility" to the *Botetourt County Code Chapter 25, Zoning, Article II. District Regulations Generally, Division 12. Shopping Center District (SC), Section 25-283 Uses Permissible by Special Exception* and requests a Special Exception Permit, with possible conditions, in the Shopping Center District (SC) for the construction of an assisted living facility on a 14.2744 acre parcel.

This parcel is located on Commons Parkway (Route 1044) approximately 0.20 miles west of its intersection with Kingston Drive within Botetourt Commons in Daleville, VA, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 44K.

Mrs. Pendleton read the request aloud as she displayed the zoning map on PowerPoint.

Mrs. Pendleton stated that the property was currently split zoned Shopping Center and A-1; with vacant residential and office buildings to north; a nursing home and residence to the south; vacant property to the east; and some A-1 to the west. She further stated there was a small amount of A-1 property that followed the floodplain on the property. Mrs. Pendleton noted the Comprehensive Plan identified future land uses in this area as commercial. She said the applicant proposed to construct a 36,438 square feet, two-story assisted living facility to provide complete living services, including housing, nutrition, and activities, as well as providing for individual resident needs; the building would house up to 44 residents in 44 individual rooms with a minimum of ten employees; the facility would be licensed by the Virginia Department of Social Services and designed into four communities to provide for a home life environment. Mrs. Pendleton stated that none of the proposed development extended into the floodplain or A-1 zoned portion of the property; an existing greenspace easement on the property would not be affected by the development; an existing 50 foot access easement to property to the west that does not appear to be affected by the proposed development. Referring to the definition of assisted living facilities, Mrs. Pendleton said that assisted living facilities were currently permissible by SEP in the A-1, R-2, R-3, and PUD zoning districts, while nursing homes, permitted by right in B-2, would be permitted by SEP in the R-2 and R-3 districts. She noted that Staff had not received any public comments to date.

Mr. Richard "Jyke" Jones, Jr. of Jones + Jones Associates Architects in Roanoke was present to discuss this request. He noted that had Staff covered the key points, and that this would be considered a transition facility where residents would come from their dwelling, but would need these services offered by the assisted living facility. Mr. Jones further noted the four distinct communities, and the minimum staff of ten that would increase during the day.

Mr. Griffin asked about state approval requirements.

Mr. Jones replied that the State Department of Social Services would grant their license, which was different from nursing homes and their regulations. He indicated that nursing homes go through the State Health Department and that the main difference was the number of licensed nurses.

Mr. Jones said that assisted living facilities required one nurse, but nursing homes required one licensed nurse per 30 patients.

Mr. Griffin wanted to know if an assisted living facility could receive a license if the facility was not needed.

Mr. Jones responded that the Department of Social Services had a record of the number of beds and vacancies in each county and if the vacancies were too high, then a new facility would not receive DSS approval.

Mr. Thurman wanted to know if the Roanoke area had similar standalone facilities.

Mr. Jones mentioned Friendship Manor, noting that it was not a standalone.

Mr. Thurman asked if there was any future intention of further care.

Mr. Jones responded there was no future intention of further care on this site due to the topography. He further responded that the rest of this site might have walking trails, and this facility would be all single occupancy.

Dr. Scothorn inquired about the square footage of each room.

Mr. Jones said each room would be 700 square feet, excluding the shower and toilet.

Dr. Scothorn confirmed with Mr. Jones there would be one licensed nurse per 30 residents.

Dr. Scothorn then asked about the number of Licensed Practical Nurses, if this facility would contain a triage area, and the size of the kitchen prep area.

Mr. Jones replied that he did not know the number of Licensed Practical nurses, that the facility would not have a triage area, but the kitchen prep area was planned to be twice the size of the state minimum because the idea was to have residents out of their rooms as much as possible.

Mr. Kidd asked about the access easement.

Mr. Jones said it was there previously prior to their purchase, reserved for future use and lined up where they wanted their access. He was unable to find out any more information regarding the easement in his research.

After questioning from Mr. Kidd, neither Mrs. Pendleton nor Mr. Busby knew the reason for the access easement.

At Mr. Kidd's request, Mr. Jones reviewed the exterior information. Mr. Jones noted this facility would allow a husband and wife to share one room.

There being no one else to speak, Mr. Nicely closed the public hearing.

Mr. Nicely motioned to forward the request of Botetourt HPC LLC to add "Assisted Living Facility" as a use permissible by special exception in the Shopping Center (SC) district to the Board of Supervisors with a recommendation of approval on the basis that the proposed text amendments are consistent with the comprehensive plan and the purposes and intent of the zoning ordinance.

Mr. Griffin seconded, which was approved 4:0:0:1, with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	Mr. Foster

Mr. Nicely motioned to forward the Special Exception Permit for Botetourt HCP LLC to the Board of Supervisors with recommendation for approval on the basis that the requirements of Section 25-583 of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

Mr. Kidd seconded, which was approved 4:0:0:1, with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	Mr. Foster

Buchanan Magisterial District: Robert W. Eanes II and Tricia R. Eanes (Twin River Outfitters, contractual purchaser) request a Special Exception Permit, with possible conditions, in the Agricultural (A-1) District to operate a primitive campground on an approximate 2.616 acre parcel located on Narrow Passage Road (Route 43), approximately 1.17 miles north of its intersection with Cartmills Gap Road (Route 783) bounded on the western side by the James River, on the northern side by the Commonwealth of Virginia Board of Game and Inland Fisheries, the eastern side by Narrow Passage Road and John T. and Jean G. Helms Thrasher, and the southern side by Jack R. Spigle, et als, and accessed via Narrow Passage Road, identified on the Real Property Identification Maps of Botetourt County as Section 40, Parcel 31A.

Mr. Busby read the request aloud as he displayed the zoning map on PowerPoint. Mr. Busby stated that the property is currently zoned Agricultural, A-1, and is a wooded vacant, narrow lot between Route 43 and Horseshoe Bend on the James River. He further stated the camp would run from April to October, mostly open for paddle-in campers with a maximum of five vehicles per day, and maximum number of 88 guests, although it was highly unlikely the maximum number of guests would occur on a regular basis. Mr. Busby indicated that two to three camp sites would be regularly occupied. He noted the proposed campground would contain Level 10 fire rings, camping pads, and with a "pack-in, pack-out" trash policy, with a dumpster possible in the future. Mr. Busby said there would be no utilities, but port-a-johns would be available with the possibility of potable water in the future, but not at present. He said the Comprehensive Plan referenced promoting recreational uses in this area, and that the County should try to promote amenities, such as James River Water Trail. Mr. Busby said the Twin River Outfitters' Concept Plan depicted three access points, minimal clearing and grading, an intent to reduce impact, and to keep trees for campers, although more information was needed about not constricting floodways in flood zone areas.

Mr. Kidd questioned why the advertisement was for 2.6 acres and the Mays' purchase agreement letter showed only 1.25 acres.

Mr. John Mays responded that the purchase agreement letter had been done before the survey.

Mr. Nicely noted the individual campsites tucked uphill rather than down on water, and that access from Route 43 would require guardrail and working with the Virginia Department of Transportation.

Mr. Mays said that he had already confirmed line of sight with VDOT.

Mr. John Mays spoke on his own behalf, and introduced his business partner Mr. Dan Mays, along with the current landowner, Mr. Robert Eanes. Mr. Mays presented his information on PowerPoint, as he described how Twin River Outfitters would purchase the property for eight paddle-in and two drive-in camp sites. Mr. Mays explained that Twin River offered a full service paddle service, that he and his brother owned since 2005, although the company started in 1978. He further explained that they operated two other campgrounds in the county, the Thompson Gala location, and Breedens Bottom. Mr. Mays said that paddle traffic had increased over the past two years, that the paddle route was 63 miles from Iron Gate to Snowden; their river trips were five days, four night trips, Class 1 and Class 2 rapids, and that this was unique to Botetourt. Mr. Mays stated that other locations were in North Carolina and Tennessee, that their customers needed a multi-day experience, and this location would allow them to fill a gap for campground. Discussing the campground layout, Mr. Mays said that trash receptacles would need to be protected from wildlife in the area, such as bears and that customers most likely would not have to have their cars here. Most traffic would be from port-a-potty trucks, lawn care trucks, and company vehicle traffic. Mr. Mays said this campground would operate similar to their other campgrounds because reservations are required. There would be a small amount of signage toward the river, campers would have to agree to all rules, Twin River Outfitters would agree to five maximum vehicles per day, the campground would close when the river was at 6' for paddle-in customers and above 8' for any drive-in customers. Mr. Mays noted the line of sight was 1200' in one direction, that they were already working with VDOT and they intended to leave as much vegetation as possible, and they would use existing gravel beaches.

Mr. Kidd asked Mr. Mays about the locked gate.

Mr. Mays explained that campers pull up to entrance to a farm gate with a combination lock. He said it was locked all times, that the combination given to those with reservations and this system worked very well in their other locations.

Mr. Kidd brought up a concern about bleed over traffic from boat area.

Mr. Mays commented that to get to the camp site from the public boat landing, people would have to walk through about 200' dense brush with briars.

Mr. Kidd asked about the road material into the campground and the dimensions of the loop with a turnaround.

Mr. Mays responded that it would have crush and run gravel.

Mr. Griffin remarked the campground would be an added attraction to county and mentioned that trash was his only concern.

Mr. Mays noted that while dumpsters were used at other sites, the issue here necessitates bear-proof trash cans versus a dumpster. He also said the amount of traffic, practicing "pack-in, pack-out" were factors, but they would be there two to three days to clean the sites .

Mr. Thurman wanted to know how often the campground would be cleaned.

Mr. Mays replied that port-a-johns were cleaned on a weekly basis and that other locations had their dumpsters emptied every two weeks.

Mr. Thurman asked about relocating with highwater.

Mr. Mays said they only had to do that once, but they could contact campers because of their reservation system.

Mr. Thurman asked if they monitored the site daily.

Mr. Mays responded the he was at the boat landing four times per day.

Mr. Griffin asked about fireworks problems.

Mr. Mays said they added a rule to ban fireworks because of a previous incident. He said the did not want fireworks near farms with cattle, that they enforced the rule and made it part of reservation process.

Dr. Scothorn inquired if they would allow recreation vehicles.

Mr. Mays said they did not have the facilities or hookups for recreation vehicles, and there was no desire for drive-in campground at this location. He cited a support vehicle for large groups such as Boy Scouts, or someone that needed handicapped accessibility for the type of drive-in camper.

Dr. Scothorn wanted to know how anyone would be aware if the campground closed.

Mr. Mays said they were a reservations only campground and Twin River Outfitters would contact customers infoming them regarding rain events.

There being no one else to speak, Mr. Nicely closed the public hearing.

Mr. Kidd said he supported this request, but his concerns were closer and more visible to the road. He said his fears were eased because of the brush with the boat landing. He then suggested conditions limiting the number of vehicles to no more than five vehicles per day, restrictions during high water, and prohibiting recreation vehicles.

Mr. Griffin brought up his concern about trash. He also noted this request would be good for county recreation and he supported it.

Mr. Thurman said that everything addressed for him.

Regarding one of the proposed conditions, Mrs. Pendleton requested the distinction of five *customer* vehicles versus five vehicles, for enforcement purposes.

Mr. Kidd motioned to forward the request of the special exception permit for a primitive campground for Robert & Patricia Eanes (Twin Rivers Outfitters, Contractual Purchaser) to the Board of Supervisors with a recommendation of approval with the following conditions:

1. No more than five (5) customer vehicles per day.
2. No Recreational Vehicle parking and/or camping.
3. For public safety purposes, the campground shall be closed to paddle-in guests at any time in which the USGS Buchanan James River Gauge is at level six (6) feet. For drive-in guests, the campground shall be closed at any time in which the USGS Buchanan James River gauge is at a level of eight (8) feet.

Mr. Griffin seconded, which was approved 4:0:0:1, with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	Mr. Foster

Other Business

There was no other business.

Adjournment

There being no other business, on motion by Mr. Kidd at 6:50 PM, and seconded by Mr. Griffin, the Planning Commission adjourned with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	Mr. Foster